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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
EUGENE DIVISION

WILLAMETTE RIVERKEEPER et al.,

Plaintiffs,

v.

NAT'L MARINE FISHERIES SERVICE  
et al.,

Defendants,

and

OREGON DEP'T OF FISH AND  
WILDLIFE,

Defendant-Intervenors.

Case No. 6:21-cv-00034-AA

PLAINTIFFS' NOTICE OF  
SUPPLEMENTAL AUTHORITY  
REGARDING SCOPE OF REVIEW AND  
AVAILABILITY OF DISCOVERY

Plaintiffs Willamette Riverkeeper et al. (“Riverkeeper”) hereby notifies the Court of the recent decision by the U.S. District Court for the District of Idaho in *WildEarth Guardians v. U.S. Forest Service*, No. 1:19-cv-00203-CWD (D. Idaho Jan. 3, 2022) (Memorandum Decision and Order) (attached as Exhibit A). The order concerns the scope of review and availability of discovery for claims brought under the Endangered Species Act (“ESA”) citizen suit provision—issues raised in this case by Federal Defendants’ Motion to Limit Review to the Administrative Record (Dkt. No. 30). The order in *WildEarth Guardians* further supports Riverkeeper’s position that judicial review of Riverkeeper’s ESA citizen suit claims is not limited to the administrative record and that Riverkeeper is entitled to propound discovery.

Date: January 3, 2022.

Respectfully submitted,

/s/ Sangye Ince-Johannsen

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